

**CHAPTER 310  
DEPARTMENT OF ADMINISTRATION**

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**310-1. Department Established.** There is created a department of administration, under the supervision of a director of administration, with the following responsibilities:

1. Budget and management.
2. Capital improvements administration.
3. Community development block grant administration.
4. Information and technology management
5. Records management.
6. Intergovernmental relations.
7. Purchasing.
8. Emerging business enterprise program.
9. Citywide emergency response coordination.

**310-7. Chief Information Officer.**

1. **AUTHORITY.** The chief information officer shall be responsible for

coordinating information and technology management for the city of Milwaukee and is subject to the direction and control of the director of administration.

**2. FUNCTIONS.** The chief information officer shall:

a. Establish a city of Milwaukee information technology strategic plan in conjunction with the city information management committee.

b. Establish standards and guidelines for information and technology management.

c. Review and evaluate information technology projects.

d. Serve as a resource to departments in developing and managing information technology projects.

e. Coordinate monitoring and reporting of information technology projects.

f. In partnership with departments, develop standards for e-government applications, systems and technology on a citywide basis, including transactions through the internet such as payments, service requests and applications.

g. Maintain and support the city website.

h. Work in collaboration with the department of employee relations to develop a citywide information technology training plan and programs.

i. Coordinate with city departments and agencies on communications issues to promote interoperability and integration of city communication systems.

j. Coordinate with city departments and agencies in developing a draft telecommunications policy for the city, recommending this policy to the mayor and common council, and implementing this policy.

k. Inventory and review outsourcing and use of consultants by city departments and agencies for information technology functions.

L. Determine if additional boards, committees or task forces are needed to effectively manage information technology.

m. Coordinate city network services by developing a citywide plan for management, operations, and policies in conjunction with the department of public works.

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**3. COORDINATION AND COOPERATION WITH THE DEPARTMENT OF ADMINISTRATION.** All officials and employees of the city shall assist the department of administration and the chief information officer in fulfilling their information and technology responsibilities and shall make available all records, documents and other materials necessary to the performance of the department's functions as provided herein. All city departments and agencies shall:

a. Comply with the information technology plans, standards, policies, guidelines and systems established by the department of administration. The department of administration may grant exceptions based on unique departmental business needs.

b. Cooperate with the department of administration in providing access to data, databases, information and systems as needed for enterprise purposes.

c. Participate in enterprise systems, applications or other technology established by the department of administration, including but not limited to e-government.

d. Involve and cooperate with the department of administration in their communications planning and implementation efforts.

**4. INFORMATION TECHNOLOGY PROJECT MANAGEMENT.** The department of administration shall implement an information technology project management process.

a. Departments shall submit budget requests for all information technology spending and projects from all funding sources on forms established by the department of administration as part of departmental estimates submitted pursuant to s. 18-03.

b. Departments shall ensure that information technology budget requests are consistent with the information technology strategic plan established by the department of administration.

c. The department of administration shall conduct a comprehensive analysis of information technology requests and recommend projects to the mayor for inclusion in the proposed budget pursuant to s. 18-04-2.

**310-9. Records.** The director of administration shall be the authority, as defined in s. 19.32(1), Wis. Stats., for records of the

director's office. Each division director in the department of administration shall be the authority, as defined in s. 19.32(1), Wis. Stats., for records of their respective division.

### **310-11. Intergovernmental Relations.**

**1. AUTHORITY.** The division of intergovernmental relations shall have authority to make studies and investigation, to promote programs to attack the underlying problems which face the city and to provide information with respect to fiscal matters related to the securing of a greater share of state and federal funds and to do whatever may be required in promoting for the city a greater share of state and federal fund distributions.

**2. FUNCTIONS.** The division of intergovernmental relations shall be under the direction and supervision of a intergovernmental relations director. The intergovernmental relations director shall be authorized to represent the city before legislative bodies of both the federal government and the state of Wisconsin as well as other political subdivisions of this state, subject to provisions of s. 350-211. The intergovernmental relations director may confer with officials and representative of municipalities and of other political subdivisions of this state for the purpose of securing assistance and cooperation in effectuating the purposes and objectives for which the division is created. The intergovernmental relations director may carry on educational programs, communicate in writing and make personal appearances and perform such other duties and responsibilities as in the judgment of the intergovernmental relations director shall be most beneficial to the accomplishment of the purposes and objective herein provided. The intergovernmental relations director shall from time to time as the director determines most appropriate or as directed by the mayor or the common council, submit reports with reference to the operations of this division. It shall also be the duty and responsibility of the director to carry out programs wherever necessary to increase the city's share of federal and state contributed funds in accordance with proposals prepared from time to time by the director and approved by the common council. Annual reports and recommendations shall be required of the director to be made to the common council.

**3. COORDINATION.** The intergovernmental relations director shall make recommendations to the common council and mayor, as the need arises, as to those matters relating to the underlying problems faced by the city and to fiscal equity, and as to applications for state and federal grants, which would benefit from cooperative action by the common council and mayor, with those officials responsible for applications for state and federal grants who are under the jurisdiction of the county board of supervisors, the board of school directors, the board of vocational and adult education, the city and metropolitan sewerage commissions, and the social development commission of greater Milwaukee.

**310-13. Service Contract Wage Requirements.**

**1. PURPOSE.** The purpose of this section is to insure a living wage for all employees of contractors and subcontractors performing services for the city.

**2. DEFINITIONS.** In this section:

a. "Professional service contract" means any contract in which the majority of workers engaged in the performance of the contract perform work which:

a-1. Is predominantly intellectual and varied in nature, as opposed to work which involves routine mental, manual, mechanical or physical labor.

a-2. Requires advanced knowledge in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher education or a hospital.

b. "Service contract" means any contract with the city, for the provision of services to any city department or agency with a budget under control of the common council, which has a value exceeding \$5,000 and which is designated a "service contract" by the central board of purchases upon recommendation of the city purchasing director. The central board of purchases shall review each bid specification or request for proposals and make a determination as to whether the proposed contract will constitute a service contract. "Service contract" includes, but is not limited to, any of the types of contracts listed in documents enumerating 1994 department of public works service contracts and 1994 and 1995 business operations

division - procurement services section - department of administration service contracts found in the official record on file in the city clerk's office. However, "service contract" does not include any contract which involves the purchase of goods or which is a professional service contract, department of public works contract regulated under s. 309-25, contract administered by the office of community block grant administration-department of administration or contract with the Milwaukee public schools, regardless of whether such contract is included in the lists of 1994 and 1995 contracts referred to herein.

**3. LIVING WAGE REQUIREMENT.**

All workers, whether permanent or temporary, employed in any work performed as part of a service contract, as defined in sub. 2, awarded after December 31, 1995, shall receive and be paid a sum of not less than \$6.05 per hour. On March 1, 1996, and each March 1 thereafter, the living hourly wage shall be adjusted to the amount required to produce, for 2,080 hours worked, an annual income equal to the U.S. department of health and human services' most recent poverty guideline for a family of 3. No contractor may use the living wage requirement of this subsection to reduce the wage paid to any person employed by the contractor as of December 31, 1995.

**4. PART-TIME WORKERS COVERED.** The living wage requirement of sub. 3 shall apply to part-time employees performing work as part of a service contract, as defined in sub. 2.

**5. LABOR PROVISIONS IN CONTRACTS.** For purposes of carrying out the intent of this section, all provisions of this code pertaining to labor are made part of all service contracts, subcontracts and agreements let, entered into or made by the city.

**6. SERVICE CONTRACT BID AND REQUEST-FOR-PROPOSAL SPECIFICATIONS.** The proper city officers shall add a digest of the provisions of this section to all specifications for service contract work upon which they call for bids or issue requests for proposals unless the central board of purchases, upon recommendation of the purchasing director, approves the waiver of the provisions in cases where it is likely that no bids or proposals will be received without such a waiver.

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**7. SPECIFICATIONS FOR SERVICE CONTRACTS.** No service contract, as defined in sub. 2, shall be entered into by the city unless such contract contains the following stipulations or their equivalent:

"The contractor agrees to pay all workers employed by the contractor in the performance of this contract, whether on a full-time or part-time basis, a base wage of not less than \$6.05 per hour [city clerk to change amount in accordance with adjustment each March 1].

"The contractor agrees to make a sworn report or affidavit, within 10 days following the contractor's completion of the contract, or every 3 months, whichever occurs first, and to procure and submit a like sworn report or affidavit from every subcontractor employed by the contractor, to the department of public works (if the service contract is administered by the department of public works) or the business operations division - procurement services section - department of administration (for service contracts administered by all other city departments) regarding every person employed on or under this contract or subcontract. Such affidavit or report shall include, but not be limited to, for the specified time period, the person's name, address, type of work performed, total hours worked on the service contract, hourly wage rate, gross earnings, and employer's contribution to vacation, welfare and pension trust funds. Said reports or affidavits shall be accompanied by a statement that each and every employee has been paid in full the amount of not less than \$6.05 per hour [city clerk to change amount in accordance with adjustment each March 1] and that there has not been, nor is to be, any rebate or refund of any part of said wages by the employee to the employer.

"If any documents submitted to the department of public works (if the service contract is administered by the department of public works) or the business operations division - procurement services section - department of administration (for service contracts administered by all other city departments) by the contractor contain any false, misleading or fraudulent information, or if the contractor fails to comply with the provisions of s. 310-13 of the Milwaukee code of ordinances, the department or division, as the case may be, may withhold payments on

the contract, terminate, cancel or suspend the contract in whole or in part, or, after a due process hearing, deny the contractor the right to participate in bidding on future city contracts for a period of one year after the first violation is found and for a period of 3 years after a second violation is found.

**8. POSTING OF WAGE RATE.** For every service contract, as defined under sub. 2, the living hourly wage required by sub. 3 shall be kept posted by the contractor at the site of the work in a prominent place where it can be easily seen and read by persons employed in the performance of such contract. In addition, copies of the living hourly wage requirement shall be supplied to any person employed in the performance of a service contract at the request of such person and within a reasonable period of time after the request.

**9. MONITORING AND ENFORCEMENT.** a. Responsibility. The department of public works shall be responsible for monitoring department of public works service contracts for compliance with this section. The department shall review and monitor the sworn reports or affidavits periodically submitted by service contractors, receive and investigate complaints from service contractors and service contract employees relating to compliance with this section, and impose appropriate sanctions upon any contractor who provides false information to the department or fails to comply with the provisions of this section. For all service contracts other than those administered by the department of public works, the business operations division - procurement services section - department of administration shall have these responsibilities.

b. Employee Complaints. Any person employed in the performance of a service contract, as defined in sub. 2, may, within one year from the date of an alleged failure to comply with subs. 3 and 4, file a written complaint with the department of public works, if the service contract is administered by the department of public works, or the business operations division - procurement services section - department of administration, for service contracts administered by all other city departments, regarding the service contractor's alleged failure to comply with subs. 3 and 4. No service contractor may discharge, reduce

the compensation of or otherwise retaliate against any person employed in the performance of a service contract for making a complaint to the department of public works or the business operations division - procurement services section - department of administration or for using any civil remedies to recover damages.

c. Appeals. Any service contractor or service contract employee who objects to any decision or action of the department of public works or the business operations division relative to application or enforcement of this section may appeal such decision to the administrative review appeals board, in the case of department of public works service contracts, or the purchasing director and central board of purchases, in a manner similar to the process described in s. 310-19-4, in the case of service contracts with all other city departments.

d. Sanctions. Any contractor or subcontractor engaged in a service contract who has been found by the department of public works or the business operations division - procurement services section - department of administration to have submitted any false, misleading or fraudulent information, or to have failed to comply with the provisions of this section, may be subject to any of the following sanctions, imposed by the department of public works in the case of department of public works service contracts or the business operations division in the case of all other service contracts:

d-1. Withholding of payments.

d-2. Termination, suspension or cancellation of the contract in whole or in part.

d-3. After a due process hearing, denial of the right of the contractor or subcontractor to bid on future city contracts, by himself or herself, partner or agent, or by any corporation of which he or she is a member, for a period of one year after the first violation is found and for a period of 3 years after a second violation is found.

**310-14. Slavery Era Business, Corporate and Insurance Disclosure.** 1. PURPOSE. The purpose of this section is to promote full and accurate disclosure to the public about any slavery policies sold by any companies, or profits from slavery by industries, or their predecessors, who are doing business with the city.

2. DEFINITIONS. For the purposes of this section: a. "Company" means any person, firm, corporation, partnership or combination of these.

b. "Contract" means any agreement, franchise, lease or concession including an agreement for any professional or technical

personal services, the performance of any work or service, the provision of any materials or supplies or rendering any service to the city of Milwaukee or the public, which is let, awarded or entered into with or on behalf of the city of Milwaukee or any awarding department of the city.

c. "Enslaved person" means any person who was wholly subject to the will of another and whose person and services were wholly under the control of another and who was in a state of enforced compulsory service to another during the slavery era.

d. "Investment" means to make use of an enslaved person for future benefits or advantages.

e. "Predecessor company" means an entity whose ownership, title and interest, including all rights, benefits, duties and liabilities were acquired in an uninterrupted chain of succession by the company.

f. "Profits" means any economic advantage or financial benefit derived from the use of enslaved persons.

g. "Slavery" means the practice of owning enslaved persons.

h. "Slavery era" means that period of time in the United States of America prior to 1865.

i. "Slaveholder" means holders of enslaved persons, owners of vessels carrying enslaved persons or other means of transporting enslaved persons, merchants or financiers dealing in the purchase, sale or financing of the business of enslaved persons.

j. "Slaveholder insurance policies" means policies issued to or for the benefit of slaveholders to insure them against the death of, or injury to, enslaved persons.

3. DISCLOSURE. a. Each contractor with whom the city enters into a contract, whether or not subject to competitive bid, shall complete an affidavit, prior to or contemporaneous with entering into the contract verifying that the contractor has searched any and all records of the company or any predecessor company regarding records of

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investments or profits from slavery or slaveholder insurance policies during the slavery era. The names of any enslaved persons or slaveholders described in those records must be disclosed in the affidavit.

b. The city shall make the information contained in the affidavit available to the public, including but not limited to making the information accessible on the city's Internet accessible World Wide Web home page and provide an annual report to the common council.

4. **SANCTIONS.** Any contract between the city and a contractor which fails to provide the requisite affidavit or which includes material false information on such affidavit shall be rendered null and void.

**310-15. Purchase of Products Made from Recycled Materials.** 1. In this section, "city public purchaser" means the central board of purchases, the city purchasing director and any other officer, employee, agent, agency, committee, board or commission of the city that makes purchasing decisions.

2. Each city public purchaser shall, to the extent practicable, make purchasing decisions that maximize the purchasing of materials and products utilizing recycled materials and recovered materials.

3. Each city public purchaser shall ensure that the average recycled or recovered content of all paper purchased by the city public purchaser in a year is not less than 40% of all purchased paper.

4. Each city public purchaser that awards contracts for equipment and supplies shall, to the extent practicable, award such contracts for equipment and supplies that will minimize the amount of solid waste generated by the city. Each city public purchaser shall, to the extent practicable, diminish the purchase of single-use disposable products and substitute therefor the purchase and use of multiple-use, durable products.

**310-16. Placement of Vending Machines on City Property.** Effective November 4, 2005, no city department or employee or agent thereof may request and permit the placement of a vending machine in any city office or facility or elsewhere on city property, or enter into an agreement or contract for such placement, unless the placement of the vending machine,

and any agreement or contract therefore, has been reviewed and approved by the city purchasing director and the commissioner of public works or the commissioner's designee.

### 310-17. Procurement of Items of Apparel.

1. **PURPOSE.** The common council finds that: a. It is in the city's best interest to procure items of apparel from responsible vendors and manufacturers who provide a safe, non-discriminatory work environment, and who compensate their employees with non-poverty wages.

b. There has been a recent resurgence of exploitive and abusive workplaces in the apparel industry.

c. The apparel and textile industries, in particular, are engaged in practices that result in poverty wages, violations of workers' rights and unsafe and unhealthy working conditions.

d. As a participant in the marketplace, the city chooses to allocate its purchasing dollars to enhance the economic and social well-being of people, while acquiring the best possible quality goods at the lowest cost.

2. **DEFINITIONS.** In this section:

a. "Apparel" means all items of clothing and cloth produced by weaving, knitting and felting, and shall include uniforms, coveralls, footwear, linens and entrance mats.

b. "Manufacture" means to process, fabricate, assemble, treat or package.

c. "Non-poverty wage" means the following for:

c-1. Domestic manufacturers. A base hourly wage adjusted annually to the amount required to produce, for 2,080 hours worked, an annual income equal to or greater than the U.S. department of health and human services' most recent poverty guideline for a family of 3 plus an additional 20 percent of the wage level paid either as hourly wages or health benefits.

c-2. Outside the United States. A nationwide wage and benefit level which is comparable to the non-poverty wage for domestic manufacturers as defined in subdiv. 1 after being adjusted to reflect the country's level of economic development by using a factor such as the relative national standard of living index in order to raise a family of 3 out of poverty. In addition, workers shall not be subject to disciplinary wage deductions.

d. "Responsible manufacturer" means an establishment engaged in manufacturing, distributing, laundering or dry cleaning that can demonstrate all of the following:

d-1. Compliance with all applicable local and international labor laws and workplace regulations regarding wages and benefits, workplace health and safety, as well as the fundamental conventions of the international labor organization, including those regarding forced and child labor and freedom of association.

d-2. Payment to its employees of non-poverty wages as defined in par. c-1 for domestic manufacturers and par. c-2 for manufacturers located outside of the United States.

d-3. Termination of its employees only with just cause.

d-4. Establishment of a mechanism for the resolution of workplace disputes.

**3. REQUIREMENTS.** a. Application. Contracting departments shall award contracts in excess of \$5000 relating to the purchasing, renting, laundering and dry cleaning of items of apparel to responsible manufacturers.

b. Affidavits. b-1. No contracts for the purchasing, renting, laundering and dry cleaning of items of apparel shall be entered into by contracting departments unless the lowest responsible bidders first submit to the purchasing director sworn reports or affidavits which include the following information for the specified time periods of the contracts:

b-1-a. The names and addresses of the companies and facilities in which the items of apparel have been or will be manufactured, distributed, laundered or dry cleaned.

b-1-b. The names and addresses of all owners of the facilities in which the items of apparel have been or will be manufactured, distributed, laundered or dry cleaned.

b-1-c. The base hourly wage and the percent of wage level paid as health benefits for persons working at the facilities in which the items of apparel have been or will be manufactured or distributed, laundered or dry cleaned.

b-1-d. Sworn statements by the contractors that facilities identified pursuant to this paragraph are responsible manufacturers as defined in sub. 2-d.

b-1-e. Any other information deemed necessary by the purchasing director for the enforcement of this section.

b-2. Contractors shall procure and submit sworn reports or affidavits from every subcontractor employed by the contractor during the specified time period of the contract for the fulfillment of contracts covered under this section.

b-3. In the event that any information provided by the contractor or subcontractor pursuant to this paragraph changes during the specified time period of the contract, the contractor shall submit or cause to be submitted to the purchasing director sworn reports or affidavits relating to the updated information.

b-4. The purchasing director shall maintain and make available for public inspection any sworn report or affidavit submitted pursuant to this paragraph.

**4. C O N T R A C T B I D SPECIFICATIONS.** Contracting departments shall add a digest of the provisions of this section to all specifications for apparel purchasing, renting, laundering and dry cleaning upon which they issue invitations to bid.

**5. SPECIFICATION FOR APPAREL CONTRACTS.** No contract for the purchasing, renting, laundering and dry cleaning of items of apparel covered under this section shall be entered into by the city unless the contract contains a stipulation stating that the contractor agrees to provide in fulfillment of the contract items of apparel which have been manufactured, laundered and dry cleaned by responsible manufacturers, and that the contractor agrees to include an equivalent stipulation in all subcontracts.

**6. M O N I T O R I N G A N D ENFORCEMENT.** a. Responsibility. The business operations division -procurement services section - department of administration shall be responsible for monitoring contracts for compliance with this section. The department shall review and monitor the sworn reports or affidavits submitted by apparel contractors, receive and investigate complaints relating to compliance with this section, and impose appropriate sanctions upon any contractor who provides false information to the department or fails to comply with the provisions of this section.

b. Notice. The department shall provide in a timely manner on the city's website notice and related documentation regarding the following:

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b-1. The issuance of invitations to bid and the awarding of contracts relating to the purchasing, renting, laundering and dry cleaning of items of apparel covered by this section.

b-2. The receipt of sworn reports or affidavits submitted pursuant to sub. 3-b.

c. Sanctions. Any contractor or subcontractor engaged in an apparel contract who has been found by the business operations division-procurement services section-department of administration to have submitted any false, misleading or fraudulent information, or to have failed to comply with the provisions of this section, may be subject to any of the following sanctions imposed by the business operations division:

c-1. Withholding of payments.

c-2. Termination, suspension or cancellation of the contract in whole or in part.

c-3. After a due process hearing, denial of the right of the contractor or subcontractor to bid on future city contracts, by himself or herself, partner or agent, or by any corporation of which he or she is a member, for a period of one year after the first violation is found and for a period of 3 years after a second violation is found.

**7. WAIVER.** The requirements of this section may be waived in writing by the purchasing director if any of the following are true:

a. All bidders to a contract are deemed ineligible under this section.

b. The contract is necessary in order to respond to an emergency which endangers the public health and safety, and no contractor who complies with the requirements of this section is immediately capable of responding to the emergency.

**8. APPEALS.** Any apparel contractor who objects to any decision or action of the business operations division relative to specifications and recommendations for purchasing, renting, laundering or dry cleaning of items of apparel may appeal the decision to the purchasing appeals board pursuant to s. 310-19.

### **310-18. Purchase of Ethanol-fueled Vehicles.**

**1. DECLARATION OF POLICY.** It is a desirable goal of the city and a matter of legitimate concern to its government, constituents and environment, that the city reduce the burning of conventional motor

vehicle fuels and increase the use of a cleaner-burning, sustainable alternative. It shall be city policy that purchasing decisions reflect that goal and city-owned vehicles eventually be replaced with vehicles which have the capacity to operate with an ethanol content of at least 85%, to the greatest extent practicable. The city will lead by example in making economically and environmentally responsible purchasing decisions which will encourage individuals, businesses and other levels of government to do the same.

### **2. ETHANOL-FUELED VEHICLES.**

To the greatest extent practicable, the city purchasing director and any other officer, agent, agency, committee, board or commission of the city shall make purchasing decisions that maximize the purchase of vehicles which have the capacity to operate with an ethanol content of at least 85%.

## **310-19. Purchasing Appeals Process.**

### **1. DEFINITIONS.** In this section:

a. "Board" means the purchasing appeals board.

b. "Purchasing director" means the city purchasing director.

c. "Recommendation" means a recommendation of the purchasing director as to the apparent low bidder which is made after a bid opening but prior to the award of a bid.

**2. APPLICABILITY.** This section applies only to appeals of specifications and recommendations involving proposed city purchases that exceed \$30,000 in cost.

### **3. SPECIFICATION APPEALS.**

a. Any potential bidder, common council member or city department which objects to the original or revised specifications on a bid may appeal the specifications by filing a written appeal with the purchasing director no later than 5 working days prior to bid opening. Appeals made by a potential bidder shall be filed with the fee specified in s. 81-102.3. No appeal received later than 5 working days prior to bid opening may be considered. Appeals shall be written, state specific objections to the specifications, be supported by technical data, test results and other information, and suggest alternate specifications.

b. Bids shall not be opened while an appeal is pending.

c. The purchasing director shall schedule a hearing before the board to be held prior to the bid opening.



c-1. All members of the board shall be sent materials sufficient for them to consider the appeal and make a prompt decision.

c-2. The appellant and all individuals and companies which have received specifications for the item being reviewed shall be notified in writing no later than 5 working days prior to the scheduled hearing, of the date, time, place and purpose of the hearing.

c-3. The board shall conduct the hearing and make a determination prior to adjournment and prior to bid opening as to whether to grant, in whole or in part, or deny the appeal. The board shall keep a tape recorded record of its deliberations and decisions.

d. If the appeal is granted, in whole or in part, the appellant and all parties notified under par. c-2 shall be notified in writing of the decision of the board, including any changes in specifications, any need to rebid and any rescheduled bid opening date. If the appeal is denied, the appellant shall be notified in writing of the decision of the board.

e. Within 10 working days of its decision under par. d, the board shall file with the board its written findings and conclusions in support of its decision.

**4. APPEALS OF RECOMMENDATIONS.** a. Following the opening of any bid, the purchasing staff shall make a written recommendation, based on the facts known at that point to the purchasing director, as to which bidder appears to be the lowest responsible bidder. All bidders shall be notified as to the contents of the recommendation as well as the date, time and place of the meeting at which the award will be considered.

b. Any bidder who objects to the recommendation may appeal the recommendation by filing a written appeal with the purchasing director no later than 5 working days after the date the recommendation is made. Appeals shall be filed with the fee specified in s. 81-102.3. The appeal shall state the specific objections to the recommendation, include supporting documentation and specify an alternative recommendation.

c. If a timely appeal is not filed, the purchasing director and the board shall proceed as if no appeal was filed.

d. Immediately upon receipt of the appeal, the purchasing director shall forward the appeal to the chair of the board, who shall

schedule a hearing before the board. All bidders shall be notified of the appeal, and the date, time and place of the hearing.

e. All members of the board shall be sent materials sufficient for them to consider the appeal and make a prompt decision.

f. The board shall conduct the hearing and make a determination on the appeal prior to adjournment. The board shall keep a tape recorded record of its deliberations and decisions.

g. The board may award in accordance with the recommendation of the purchasing director, make an award to another bidder determined by the board, or reject all bids. The appellant and other bidders shall be notified in writing of the board's decision.

h. Within 10 days of its decision under par. g, the board shall file its written findings and conclusion in support of its decision.

i. Notwithstanding any time limitation specified in sub. 4, when considering an award, the board may, in its discretion, schedule a hearing for its next regular or special meeting, provided that all bidders are notified at least 5 days prior to such hearing.

### **310-21. Public Printing Contracts.**

**1. REGULATIONS.** a. By Department of Administration. All printing and binding shall be let by competitive bidding or by order of the department of administration as provided by the city charter or code.

b. Definitions. All such printing and binding shall for the purpose of this section be called public printing. A subcontractor shall mean any person or firm who shall do any work on or in connection with public printing under the principal contractor.

**2. RATES OF PAY.** The common council shall from time to time by resolution determine the minimum rates of pay and working conditions to prevail on contracts and orders for public printing.

**3. BIDDER TO COMPLY.** Each bidder for public printing for the city shall certify with his bid that he is familiar with the provisions of ordinances and resolutions by the common council setting up minimum rates of pay and working conditions that shall prevail on contracts and orders for public printing, and that all work to be done by him or his subcontractors, if any, on or in connection with

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public printing for the city, will be in compliance therewith. Such certification shall be signed manually by the bidder and shall have the same effect as though it were sworn to.

**4. CONTRACT TO CONTAIN CERTAIN INFORMATION.** No contract, order or agreement for public printing shall be entered into unless such contract, order or agreement and specifications, if any, shall contain, by reference, the code section number and the resolution file number, if any, of the minimum rates of pay and working conditions established by the common council pursuant to sub. 2 and require compliance therewith.

**310-23. Certified Forms Required. 1. BY PRINTING CONTRACTOR.** Before any estimate or payments of any kind are made by the city on any contract, order or agreement for public printing, each contractor so engaged shall file a certificate in the following form, signed manually, which shall have the same effect as though it were sworn to:

Form 1: Certificate of Compliance.

"The undersigned \_\_\_\_\_ hereby certifies, that he or she is \_\_\_\_\_ (sole trader, member of partnership or officer of corporation) of the \_\_\_\_\_ located at \_\_\_\_\_ street, furnishing printing or binding, under Purchase Order No. \_\_\_\_\_ on contract to the city of Milwaukee, and that the provisions of ordinances and resolutions applying to such work have been complied with. The undersigned agrees to furnish affidavit of full detail of employment conditions, employees and wages when the same is requested by the city purchasing director. This certification is made with the same effect as though it were sworn to.

\_\_\_\_\_  
Signature

Form 2: Certification on Bid Requirements.

"In signing this bid the undersigned certifies, subject to the penalties for misrepresentation, that he or she is familiar with ss. 310-21 to 310-27 of the Milwaukee code and resolution File #78-008 establishing the minimum rates of pay as adopted by the common council, and that they will be complied with.

\_\_\_\_\_  
Signature

Form 3: Certification Supporting Claim for Payment of Printing Contract.

"The undersigned \_\_\_\_\_ hereby certifies,

subject to the penalties for misrepresentation, that he or she is \_\_\_\_\_ (sole trader, member of partnership or officer of corporation) of the \_\_\_\_\_ located at \_\_\_\_\_ street furnishing printing or binding per purchase order no. \_\_\_\_\_ on contract to the city of Milwaukee, and that the provisions of ordinances and resolutions applying to such work have been complied with. The undersigned agrees to furnish affidavit of full details of employment conditions, employees and wages when the same is requested by the city purchasing director. This certification is made with the same effect as though it were sworn to.

\_\_\_\_\_  
Signature

**2. REPORT ON EMPLOYEES REQUIRED.** The contractor's affidavit furnished to the department of administration shall show each employee's name, address, kind of work performed by the contractor, number of hours employed during said work, his hourly rate of pay, and shall include a statement that each and every employee of said contractor and all subcontractors, if any, are receiving and being paid and were paid during the production of said printing not less than the rate of wages prescribed by resolution by the common council, and that there has been no rebate nor agreement to rebate or refund directly or indirectly any part of such wages by employee to employer; and shall also include a statement that the only apprentices employed, if any, on said work were apprentices regularly indentured.

**3. RECORDS TO BE KEPT.** Each contractor shall keep accurate records of such public printing done by him, and preserve such records for a period of 2 years from date of invoice.

**310-25. No Estimates for Contractor Who Has Failed.** No city officer shall pass any estimates for payment on any public printing contract in which the contractor has failed to comply with all of the provisions of ss. 310-21 and 310-23 and no estimates shall be passed upon until the proper city officer is satisfied the above provisions have been fully complied with.

**310-27. Penalty.** Any contractor violating ss. 310-21 to 310-25 inclusive, shall be subject to a fine of not less than \$5 nor more than \$50 for each offense. No contract for public printing shall be awarded to any person found guilty of the second violation of any of the sections above named, for a period of 3 years.

**310-29. Control of Unclaimed and Abandoned Goods and Obsolete Material.** 1. BY DEPARTMENT OF ADMINISTRATION. Whenever any property belonging to the city except land, shall have become obsolete, disused, worn out or scrapped, the department of administration shall take charge and control of such property. All responsible administrative heads of each department and board in connection with the city shall furnish to the department of administration itemized semi-annual reports of all materials, supplies or equipment which are no longer used or which have become obsolete, worn out or scrapped. The department of administration shall take charge and control of goods turned over by the chief of police in accordance with s. 105-122 for disposition in accordance with this section.

2. DISPOSITION OF MATERIAL. If any of the material, equipment or supplies can be used by any other municipal department or the Milwaukee public schools, the department of administration is authorized to make such material or equipment available for use in that department. If the material or equipment, because of its condition, can no longer be used for municipal purposes, the department of administration may trade the same in for new equipment or sell or dispose of the same at private or public sale as provided in this subsection. If the value of the property to be sold is more than \$250 or is unclaimed or abandoned property turned over to the department of administration by the police department for disposition, the department shall advertise for bids in a daily paper having a general circulation in the city for at least 3 consecutive days and shall award the sale of such property to the highest responsible bidder; provided, however, in the case of city material, equipment or supplies, the department may dispose of them by such other means as deemed in the best interest of the city, and in the case of unclaimed or abandoned property; the department may, if it deems in the best interests of the city, dispose of said property

either through an agreed upon amount of sale or as a gift, pursuant to of s. 66.0139, Wis. Stats. Whenever the estimated value of the property to be sold is less than \$250, excepting in cases of unclaimed or abandoned property turned over by the police department for disposition, in which cases the unclaimed or abandoned property shall be sold as property of more than \$250 in value, the department of administration may, without advertising, sell the property for the highest responsible offers obtainable; provided, however, that a list of the material or equipment to be sold in this manner shall be posted in the office of the department and informal bids shall be solicited for property, except that in all other cases where the said property in the judgment of the department is less in estimated value than \$100 the department may dispose of the property by using or not using the notice and bidding procedures specified in this subsection. The proceeds of all sales under this section shall be paid into the hands of the city treasurer and credited to the proper city fund. The provisions of this subsection, however, are not applicable to the disposition of unclaimed or abandoned flammable, explosive or incendiary devices, and unclaimed or abandoned firearms or ammunition.

**310-31. Central Storeroom.** 1. ESTABLISHED. The department of administration shall maintain central storeroom and storehouse facilities for supplies, materials and equipment in general use by city agencies or which can be purchased in bulk at a saving and stored for future use. The department shall, whenever practicable, consolidate or transfer to the department existing storeroom or storehouse facilities. The department shall establish a uniform, modern system of stores control based upon perpetual inventories of stock on hand. Supplies, materials and equipment in general use shall be those used by more than one agency, either throughout the year or seasonally, as may advantageously be purchased or bargained for in quantities for the use of agencies requiring them to be stored in the central storage facilities to be withdrawn for use by any agencies requiring them. Unused materials and equipment shall be reported and returned to general storage for use in other agencies.

2. RULES. The department of administration shall make and enforce rules governing the establishment and maintenance

### **310-31-3 Department of Administration**

of stores, salvage, inspection and testing activities in all city agencies under the control of the common council.

**3. ACCOUNTING.** a. The stores stock rotary fund shall be used for the accounting of inventories, goods on order and receipts and issue of stock. The comptroller shall place in the proper fund all credits received or realized through the issuance of stock by the department of administration. The comptroller shall charge against the fund all expenditures made by the department of administration for the purchase of supplies, materials and equipment bought for stock.

b. The comptroller shall establish a physical inventory of all stock on hand in the storage facilities of the department of administration and debit or credit to that inventory all receipts of stock or issuance of stock.

c. The comptroller shall maintain a current record of encumbrances, expenditures and stock issue credits which, together with the inventory record established under par. b, shall reflect the true condition of the stores stock rotary fund at all times.

d. The comptroller shall transfer to the general revenues of the city at the end of each fiscal year any sums remaining in the stores stock rotary fund in excess of \$25,000 of the unencumbered balance.

**4. SURPLUS MATERIALS.** Notwithstanding ss. 105-122 and 310-29 when the department of administration declares as surplus or obsolete material, supplies or equipment under the jurisdiction of any city agency under the control of the common council, such materials, supplies or equipment shall be transferred or otherwise disposed of in accordance with the rules of the department governing their redistribution, exchange, transfer, sale or other disposition.

**5. USE OF STOREROOMS BY CITY AGENCIES.** Any city agency may apply to the department of administration to keep and store its supplies, materials and equipment in the central storage facilities maintained by the department in accordance with departmental rules.

**LEGISLATIVE HISTORY  
CHAPTER 310**

Abbreviations:

am = amended  
cr = created

ra = renumbered and amended  
rc = repealed and recreated

rn = renumbered  
rp = repealed

<u>Section</u>	<u>Action</u>	<u>File</u>	<u>Passed</u>	<u>Effective</u>
ch. 310	cr	881143	10/11/88	12/25/88
310-1-0	am	892173	3/20/90	4/7/90
310-1-4	am	991247	11/29/99	1/1/2000
310-1-7	am	900674	10/13/92	1/27/93
310-1-7	rc	920985	11/12/92	12/20/92
310-1-7	rc	971310	12/16/97	1/8/98
310-1-8	cr	901187	1/22/91	2/8/91
310-1-8	rp	931078	11/11/93	12/19/93
310-1-8	rn from 310-1-9	931078	11/11/93	12/19/93
310-1-8	rp	991247	11/29/99	1/1/2000
310-1-8	rp	030504	11/14/2003	1/1/2004
310-1-8	cr	030504	11/14/2003	1/1/2004
310-1-9	cr	901187	1/22/91	2/8/91
310-1-9	rn from 310-1-10	931078	11/11/93	12/19/93
310-1-9	rn to 310-1-8	931078	11/11/93	12/19/93
310-1-9	am	940829	11/29/94	12/16/94
310-1-9	rn to 310-1-8	991247	11/29/99	1/1/2000
310-1-9	rp	030504	11/14/2003	1/1/2004
310-1-9	am	040491	11/12/2004	12/3/2004
310-1-10	cr	901187	1/22/91	2/8/91
310-1-10	rp	920988	11/12/92	12/20/92
310-1-10	rn from 310-1-11	931078	11/11/93	12/19/93
310-1-10	rn to 310-1-9	931078	11/11/93	12/19/93
310-1-10	rp	941048	11/29/94	1/1/95
310-1-10	cr	951010	12/19/95	1/13/96
310-1-10	rn to 310-1-9	991247	11/29/99	1/1/2000
310-1-10	cr	010854	12/17/2001	1/1/2002
310-1-10	rn to 310-1-9	030504	11/14/2003	1/1/2004
310-1-11	cr	901187	1/22/91	2/8/91
310-1-11	rn to 310-1-10	920988	11/12/92	12/20/92
310-1-11	rn to 310-1-10	931078	11/11/93	12/19/93
310-1-11	cr	971310	12/16/97	1/8/98
310-1-11	rp	991247	11/29/99	1/1/2000
310-1-12	cr	911321	12/20/91	1/14/92
310-1-12	rn to 310-1-11	920988	11/12/92	12/20/92
310-3	rp	892173	3/20/90	4/7/90
310-5	rp	892173	3/20/90	4/7/90
310-7	am	001458	2/27/2001	3/16/2001
310-7	am	021691	03/25/2003	4/11/2003
310-7	rc	041396	2/22/2005	3/11/2005
310-11	rn from 2-29.5	881930	3/7/89	3/25/89
310-11	am	030504	11/14/2003	1/1/2004
310-11	am	040518	9/21/2004	1/1/2005
310-11-2	am	960621	7/30/96	8/16/96
310-11-3	rp	960621	7/30/96	8/16/96
310-11-7	am	960621	7/30/96	8/16/96

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310-13	cr	950181	11/6/95	11/14/95
310-13-2-b	am	991247	11/29/99	1/1/2000
310-13-3	am	990130	6/2/99	6/19/99
310-13-4	am	990130	6/2/99	6/19/99
310-13-6	am	990130	6/2/99	6/19/99
310-13-7	am	951395	1/23/96	2/9/96
310-13-7	am	991247	11/29/99	1/1/2000
310-13-8	am	990130	6/2/99	6/19/99
310-13-9-a	am	991247	11/29/99	1/1/2000
310-13-9-b	am	991247	11/29/99	1/1/2000
310-13-9-c	am	991247	11/29/99	1/1/2000
310-13-9-d-0	am	991247	11/29/99	1/1/2000
310-14	cr	050284	12/13/2005	12/30/2005
310-15	cr	931895	4/26/94	1/1/95
310-16	cr	050515	10/18/2005	11/4/2005
310-17	cr	021338	4/15/2003	4/25/2003
310-18	cr	060095	6/20/2006	7/8/2006
310-19	cr	882560	4/25/89	5/13/89
310-19	rp	900674	10/13/92	1/27/93
310-19	cr	921235	12/18/92	1/27/93
310-19-1-a	am	020593	11/8/2002	1/1/2003
310-19-3-a	am	940400	6/28/94	7/16/94
310-19-3-c-0	am	020593	11/8/2002	1/1/2003
310-19-3-c-1	am	020593	11/8/2002	1/1/2003
310-19-3-c-3	am	020593	11/8/2002	1/1/2003
310-19-3-d	am	020593	11/8/2002	1/1/2003
310-19-3-e	am	020593	11/8/2002	1/1/2003
310-19-4-b	am	940400	6/28/94	7/16/94
310-21	rn from 2-292	881930	3/7/89	3/25/89
310-23	rn from 2-295	881930	3/7/89	3/25/89
310-25	rn from 2-296	881930	3/7/89	3/25/89
310-27	rn from 2-297	881930	3/7/89	3/25/89
310-29	rn from 2-306	881930	3/7/89	3/25/89
310-29-1	am	961310	12/17/96	1/9/97
310-29-2	am	001458	2/27/2001	3/16/2001
310-29-2	am	010187	6/19/2001	6/30/2001
310-29-2	am	021691	3/25/2003	4/11/2003
310-31	rn from 2-307	881930	3/7/89	3/25/89

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